



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-31,536-05

EX PARTE ROBERT ALAN FRATTA, Applicant

ON APPLICATION FOR WRIT OF HABEAS CORPUS
IN CAUSE NO. 1195044 IN THE 230TH DISTRICT COURT OF
HARRIS COUNTY

Per curiam.

ORDER

This is a subsequent application for a writ of habeas corpus filed pursuant to the provisions of Texas Code of Criminal Procedure article 11.071, § 5.¹

In June 2009, a jury convicted Applicant of the offense of capital murder for the death of his estranged wife. *See* TEX. PENAL CODE ANN. § 19.03(a). The jury answered the special issues submitted under Article 37.071 and the trial court, accordingly, set punishment at death. This Court affirmed Applicant's conviction and sentence on direct appeal and denied

¹ Unless otherwise specified, all references to Articles refer to the Texas Code of Criminal Procedure.

habeas relief on his initial writ application pursuant to Article 11.071. *Fratta v. State*, No. AP-76,188 (Tex. Crim. App. Oct. 5, 2011) (not designated for publication); *Ex parte Fratta*, No. WR-31,536-04 (Tex. Crim. App. Feb. 12, 2014) (per curiam) (not designated for publication).

This Court received Applicant's subsequent post-conviction application for a writ of habeas corpus on June 4, 2021. Applicant, who is proceeding pro se, appears to challenge the legal sufficiency of the evidence to support his conviction for capital murder. Applicant also appears to argue that the guilt phase jury charge improperly authorized the jury to convict him of capital murder as a principal or a party. *See* TEX. PENAL CODE §§ 7.01 & 7.02.

We have reviewed the subsequent application and find that Applicant has failed to satisfy the requirements of Article 11.071, § 5(a). Accordingly, we dismiss the subsequent application as an abuse of the writ without considering the merits of the claims.

IT IS SO ORDERED THIS THE 30TH DAY OF JUNE, 2021.

Do Not Publish